

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WADE G. RUPERT,)	
)	No. CV-12-151-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION FOR REMAND
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings, **ECF No. 12**. Rosemary B. Schurman represents Plaintiff. Special Assistant United States Attorney L Jamala Edwards represents Defendant. The parties have consented to proceed before a magistrate judge, ECF No. 6.

After considering the stipulated motion, ECF No. 12, **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will further develop the record by obtaining the services of a medical expert and vocational expert.

2. The ALJ will reevaluate the medical evidence.

3. The ALJ will properly assess the severity of Plaintiff's seizure disorder, reassess credibility, and give proper weight to the opinions of treating physicians.

4. The ALJ will reassess Plaintiff's residual functional capacity.

5. The Appeals Council will affirm the favorable determination on Plaintiff's subsequent application, and the ALJ will consider all additional evidence, including the evidence submitted with the subsequent application.

Because this remand is pursuant to sentence four with a remand to the Commissioner for further proceedings (*see Melkonyan v. Sullivan*, 501 U.S. 89 (1991)), Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412 (a), (d), upon proper request to this Court.

IT IS FURTHER ORDERED:

1. The parties' stipulated motion for an order of remand pursuant to sentence four, ECF No. 12, is **granted**.

2. Judgment shall be entered for **Plaintiff**.

3. An application for attorney fees and costs may be filed by separate motion.

4. The District Court Executive is directed to enter this Order, enter judgment for Plaintiff, forward copies to the parties, and **CLOSE** the file.

IT IS SO ORDERED.

DATED this 30th day of May, 2012.

s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE

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